

**WILLIAMSBURG CITY COUNCIL
JULY 14, 2005
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, July 14, 2005, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads: Nester, Hudson, Clayton, Serra, Weiler, Yost, and Assistant City Manager Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

Moment of Silence

The Mayor began the meeting with a moment of silence in respect for the victims of the terrorist bombings in London last week.

COUNCIL MINUTES

Mr. Scruggs Moved Approval of the City Council Minutes of June 6 and June 9, 2005, with the following changes: Mr. Scruggs amended the minutes of June 9, page 6, third paragraph, second sentence, under the item Building Permit Fee Schedule, to omit the words "he was not concerned" and insert "he was not necessarily in disagreement." Mr. Freiling corrected the minutes of June 6, page 3, fifth paragraph, first sentence, by adding the words "and so these changes make sense" at the end of the sentence. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

MATTERS OF SPECIAL PRIVILEGE

Resolution #05-15 Remembering and Honoring Vernon M. Geddy, Jr.

Mayor Zeidler read the resolution remembering and honoring former Mayor Vernon M. Geddy, Jr. (see attached). The resolution will be conveyed to his family.

Resolution #05-16 Remembering and Honoring Marguerite B. Davis

Mayor Zeidler recognized Mr. Wythe Davis and his family in the audience. She read the resolution remembering and honoring Marguerite B. Davis, a former member of the Planning Commission (see attached). Wythe Davis joined the Mayor at the podium to receive the resolution. Mayor Zeidler said that Ms. Davis really did make a difference in Williamsburg.

Recognition of Jodi Miller, Assistant City Manager, Recipient of the Marcia Mashaw Outstanding Assistant Award from the Virginia Local Government Management Association

Mayor Zeidler recognized Jodi Miller, recipient of the Outstanding Assistant Award. Ms. Miller received the award on June 24 at the Virginia Local Government Management Association Annual Conference. Specifically noted were her efforts on the Braxton Court Community Block Grant, the Williamsburg Farmers' Market, Festival Williamsburg, the 2007 Marketing Task Force, the Preserve America Community Award for Williamsburg, and for producing the city's "Neighborhood Guide" and "Goals and Initiatives for the Biennium." The Mayor congratulated Ms. Miller, said that this honor was well-deserved, and that the city was lucky to have her.

Public Hearings

Crossroads Community Group Home Replacement Project, Long Term Lease Agreement, Proposed Ordinance #05-18 and Proposed Resolution #05-14

Reference for this item was Mr. Tuttle's report dated July 7, 2005. Mayor Zeidler said that Council heard a presentation on this matter from Ms. Anne Smith at the July 11 Work Session. Mr. Tuttle said that because the proposed lease term is for more than five years, Council is required to hold a public hearing and to formally receive bids from other parties interested in constructing a group home facility on the property. One bid was received from the Colonial Group Home Commission. Mr. Tuttle clarified that the lease document has been modified to reflect a straight 40 year lease for an up front payment of \$180,000 to the city, and after 40 years, the parties will negotiate either an extension or termination.

Mayor Zeidler opened the public hearing.

No one wished to speak. The hearing was closed.

Mr. Chohany asked if there were any unknowns with this parcel of land. Mr. Tuttle said the property was purchased by the city about ten years ago and has been well investigated by the GH Commission for environmental issues, utilities, and access. Construction bids are unknown. Mr. Tuttle said there is very low impact to the city's water shed. The facility is small with some surface parking, and there will be storm water protections in place (showing map). It is a long distance from Waller Mill. Mr. Scruggs was pleased that we will have the opportunity to be involved in this association. This small investment by the city has great return potential and some of the best dollars spent in our community. He appreciated the Crossroads program and the city's involvement.

Mr. Freiling noted that in addition to providing the opportunity for the Group Home, he wanted to thank Mr. Tuttle for this effort because it was a great example of providing supplemental uses of appropriate portions of city-owned property in the reservoir watershed that provides substantive benefit to the general public well being and the greater community.

Mr. Haulman Moved That City Council Adopt Proposed Ordinance #05-18, An Ordinance to Authorize Lease of 3+/- Acres in Bruton District, York County, Virginia to the Colonial Group Home Commission, and Proposed Resolution #05-14, A Resolution to Authorize Actions to Proceed With the Replacement Project for Crossroads Community Youth Home. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED ORDINANCE #05-18 and ADOPTED RESOLUTION #05-14)

Easement and Right of Way Dedication, Monticello Avenue and Ironbound Road Intersection, Proposed Resolutions #05-12 and #05-13

Reference for this item was Mr. Tuttle's report dated July 5, 2005. Mr. Tuttle reported that Staff has been working with the Virginia Department of Transportation (VDOT) and James City County to design the improvement of the intersection of Monticello Avenue and Ironbound Road. Using an overhead map, Mr. Tuttle explained the layout of the proposed reconstructed intersection, adding turn lanes on all approaches and large medians on Monticello Avenue, and greatly improving traffic flow. Due to changes in the alignment of lanes at the intersection itself, over 1,000 feet of Ironbound Road north of Monticello Avenue will also be reconstructed. While VDOT will maintain the road, the city will be responsible for maintenance of the medians and will develop an attractive entrance into the city.

The City and County jointly own the site of the Williamsburg-James City County Courthouse. VDOT needs additional right-of-way from the site and Dominion Virginia Power needs a twenty-foot easement from the site. Mr. Tuttle said that if it were up to the city, pedestrian crosswalks would be installed. No city funding is going into this intersection; only state and county secondary road funding. James City County Board of Supervisors approved the easement and right-of-way requests at their June 14 meeting.

Staff recommended that Council adopt Proposed Resolution #05-12 authorizing the transfer of .764 acres of right-of-way to VDOT for the roadway construction, and Proposed Resolution #05-13 authorizing the transfer of .152 acres of permanent utility easement to Dominion Virginia Power.

Mayor Zeidler opened the public hearing.

Ms. Nanci Bond, 416 Suri Drive, read a letter that she previously sent to Council members via e-mail (see attached) regarding safe pedestrian crossing. She urged Council to consider the timing of this project and the advantages of including crossing signals and sidewalks.

No one else wished to speak. The hearing was closed.

Council members, Mr. Tuttle, and Mr. Nester discussed the multiuse trails and bike lanes in this area. Mr. Nester explained existing and future multiuse trails and bikeways for the area as adopted in the Regional Bikeway Plan.

Mr. Tuttle said that the city's engineer Steve Martin has discussed with VDOT's construction engineer David Steele the city's preference for a pedestrian crossing. VDOT's procedure is to first determine the demand and document the demand, before the crosswalk is installed. Mr. Tuttle offered to engage in conversation with VDOT regarding the need for crosswalks. Mr. Chohany urged that the city be proactive and do what it can regarding pedestrian crossing at the city median or on city property (maintained by the city), and that language be added to the resolution regarding pedestrian thoughtfulness. Mr. Scruggs concurred and suggested that this corner be called "Collaboration Corner." Mr. Freiling hoped that the College, James City County, New Town, and others would join the

city to collaborate regarding crosswalks. He would appreciate Mr. Tuttle doing what he can to overcome these bureaucratic obstacles. He looked forward to completion of the intersection project which will begin early next year. Mayor Zeidler expressed gratitude to the College for agreeing to have the second travel lane partially through a section of College Woods.

Mr. Scruggs Moved That City Council Adopt Proposed Resolution #05-12 (VDOT) and Proposed Resolution #05-13 (DOMINION VIRGINIA POWER), Easement and Right-of-Way Dedication, Monticello Avenue/Ironbound Road Intersection.

Mr. Haulman suggested that an additional "Whereas" Section be added to the resolution for VDOT (#05-12), expressing the city's support of a pedestrian crossing at this intersection. Mayor Zeidler asked Mr. Tuttle to solicit the support from our partner localities and ask that they also contact VDOT.

Mr. Scruggs accepted the amendment.

The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED RESOLUTIONS #05-12 and #05-13)

Mr. Scruggs thanked Ms. Bond for her vigilance and involvement regarding pedestrian crossings.

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

End of Fiscal Year Financial Report

Mr. Serra provided Council with a recap of the Fiscal Year 2005 Operations (see report attached). Mr. Serra reviewed the Fiscal Year Cycle, General Fund Operating Revenues, and Operating Expenditures. Mr. Serra concluded by saying that the city ended the year with an estimated \$971,457 operating surplus, which will be used for the Capital Program. Mr. Serra recognized Vicki Herrick for her assistance with the report.

Mayor Zeidler appreciated the report and thanked staff and the department heads for being prudent. Mr. Haulman credited city staff for running a tight ship while maintaining quality services across the board. In the future, we must be vigilant because of the uncertainty of revenues. Mr. Chohany agreed and thanked staff for the report.

Mr. Scruggs noted that the room tax was down which reflected the downturn in visitors. Property values and staff's careful spending helped. Mr. Serra reported the lodging tax totaled \$1,412,000, which was less than the \$1.8 anticipated. Mr. Freiling appreciated the stewardship of public funds.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Chief Yost reported on the traffic problems on the north end of the city on Route 132 on the Fourth of July. A fatal car accident on Route 64 caused traffic to back up to Route 132 which caused gridlock, and the traffic exiting Busch Gardens at closing added to the backup. There are not a lot of options to this type of problem but law enforcement will be working on this.

City Manager Reports

EMS Fees Ordinance Amendment, *Proposed Ordinance #05-17*

Reference for this item was Mr. Tuttle's report dated July 7, 2005. Mr. Tuttle said that the city has received a favorable response to our opinion request from the Office of the Inspector General (OIG) for the Department of Health and Human Services. The city will now be able to treat tourists in the City of Williamsburg as "city taxpayers" for purposes of EMS billing. This is a good and substantial step forward in finalizing the program according to Council's intent.

Amendments to the ordinance reflect the positive decision from the OIG, including extending the waivers for city residents to those individuals who are visiting the city and makes provision for the City Manager to bill for and collect EMS fees, in addition to establishing the policies under which said billing will be handled. Staff is recommending adoption of the proposed ordinance.

Mr. Freiling thanked staff for the outline included in the Quarterly Quill newsletter regarding the program. He suggested that after looking at the outline, people contact city staff if they still had questions. It is important that people understand how this program works. Mr. Haulman suggested this be added to the home page on the city's website, and Mr. Tuttle agreed.

Mr. Chohany Moved That City Council Adopt Proposed Ordinance #05-17, An Amendment to An Ordinance to Collect Fees for Emergency Medical Transportation and Treatment Provided to Persons by the City of Williamsburg Emergency Medical Services. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: Scruggs (SEE ATTACHED ADOPTED ORDINANCE #05-17)

Authorization for WHRA to Purchase Property—210-A Strawberry Plains Road

Reference for this item was Mr. Tuttle's report dated July 7, 2005. Mr. Tuttle said that the Williamsburg Redevelopment and Housing Authority is requesting authorization from City Council to purchase property located at 210-A Strawberry Plains Road. Staff is recommending approval of the request.

Mr. Gurganus, Director of the Housing Authority, said the purpose of acquiring this property was primarily to create single family home ownership. This property was included in the 1999 CDBG for the redevelopment of the Strawberry Plains area. The Authority has placed a conditional contract on the house, in the amount of \$160,000, and the intent is to rehabilitate the property and put the new house on the market for sale with the "Right of First Refusal" and "Owner Occupied" covenants included in the Deed. The cost for the home will be about \$200,000. The Housing Authority Board approved this purchase using Authority controlled funds at their regular meeting on June 23, 2005. Authorization by the

Council is required by Virginia Code.

Mayor Zeidler thanked the Housing Authority and Mr. Gurganus for their work.

Mr. Scruggs Moved That City Council Authorize the Williamsburg Redevelopment and Housing Authority to Purchase the Property Located at 210-A Strawberry Plains Road. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Attendance Policy for Members of Boards and Commissions Appointed by City Council

Reference for this item was Mr. Tuttle's report dated July 7, 2005. In response to Council's request, Mr. Tuttle said that Ms. Crist had researched existing policies in other Virginia localities to find a workable way of handling absenteeism of members of boards and commissions. He reviewed the research findings as outlined in the report. A proposed attendance policy was recommended to be incorporated into the "Appointment Process for Boards and Commissions" section of Council's Policies and Procedures Manual (see attached). Mr. Tuttle proposed that the policy be adopted, effective January 2006, and that city boards, commissions, and committees be notified of the policy.

Mayor Zeidler and members of Council appreciated the research conducted by Ms. Crist. This is a reasonable policy that will assist members of boards and commissions to understand expectations and the seriousness with which Council takes the business of the city and serving on boards and commissions.

Mr. Freiling Moved That City Council Adopt the Proposed Policy Concerning Attendance on Boards and Commissions Effective Beginning Calendar Year 2006; and Direct the Clerk of Council to Add Section IV. Attendance Requirement—Members of Boards and Commissions to Council's Policies and Procedures Manual and to Notify Current and Future Appointees of the Policy. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Streaming Media Broadcasts of City Council Meetings

Reference for this item was Mr. Tuttle's report dated July 7, 2005. Mr. Tuttle said that starting this month, Council and Planning Commission meetings will be broadcast in real time through Streaming Media services on the city's website. This new feature will enhance the archived e-meetings function that is currently available on the city's website. He introduced Mark Barham, IT Manager, to provide a brief demonstration of the live eMeeting technology.

Mr. Barham presented his Powerpoint slides regarding the broadcast system (see attached). The work on the broadcasts has been done by the city's IT staff. At this time, the only other locality in the Hampton Roads region to broadcast live on the web is Virginia Beach. Mr. Barham explained how the system works and noted that there is a 20-second delay in

broadcast because of the process. Council members were able to view the Council meeting live, via Intranet. Council members appreciated the demonstration and appreciated that the meetings are available via the Internet at all times.

NEW BUSINESS

Appointment to Economic Development Authority: Mayor Zeidler announced that Council will be conducting applicant interviews on Tuesday, July 19 and Wednesday, July 20.

Design Review Guidelines Committee: Mr. Scruggs clarified that the meeting will be held on Thursday, July 28, and said that he hoped people will attend.

OPEN FORUM

Janet M. Tinsley, 321 Oak Tree Road, Lightfoot, addressed Council about her property on Oak Tree Road, totaling 6.22 acres, which backs up to the Waller Mill Reservoir. She previously contacted Mr. Tuttle about exchanging approximately two acres of her property for city property. She was disappointed in Mr. Tuttle's response, declining her proposal because of the difference in property values. After contacting many people about this, she was referred to a City Council meeting. She asked Council if there was anything she could do to achieve the property swap.

Mayor Zeidler thanked Ms. Tinsley, and asked Mr. Tuttle to report back to Council with additional information.

EMeetings: Mr. Freiling commented that residents without broadband cable access can view archived city meetings using the computer resources at the Regional Library to see a better quality video.

No one else wished to speak. The session was closed.

CLOSED SESSION

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1, regarding personnel evaluation. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 3:28 p.m. The Mayor called a five-minute recess.

At 5:00 p.m. Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

CERTIFICATION OF CLOSED MEETING

Date: July 14, 2005

Motion: Mr. Haulman Second: Mr. Chohany

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 5:00 p.m.

Approved: August 11, 2005

Jeanne Zeidler, Mayor

Shelia Y. Crist
Clerk of Council